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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3106 OF 2007

Pankaj A. Gupte .. Applicant

versus

State of Maharashtra .. Respondent

...

Mr.A.P. Mundargi i/b Mr.Kuldeep S. Patil for the applicant.

Ms.R.M. Gadhavi APP for the State.

CORAM : D.G.KARNIK, J

DATED : 21st November 2007

P.C.:

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant is alleged to have committed offences punishable under section 420, 465, 471-A of the IPC r/w section 34 of the IPC. The applicant is an officer employed by Surgeon Realties Ltd which purchased the land in question. It is alleged that out of the eight vendors, one of the vendor has not signed the agreement for sale and his signature is

forged. In fact, the said vendor viz. Dagdu Taku Mhaskar was dead when the alleged agreement for sale took place. It is therefore alleged that the applicant was a party to the alleged forgery of the signature of Dagdu T. Mhaskar

3. The agreement for sale is registered. Dagdu T. Mhaskar was identified before the subregistrar by Surendra Pawar and Mohan Chalke. Both Pawar and Chalke were arrested and have been released on bail. Sub-Registrar was also arrested and she has also been released on bail. The person, who allegedly impersonated Dagdu Mhaskar has also been identified and arrested and has also been released on bail. The investigation appears to be complete. Learned APP, however, submits that presence of the applicant would be necessary for the purpose of taking his signature and handwriting and therefore anticipatory bail should not be granted. Counsel for the applicant states that the applicant is willing to go to the police station and give his specimen handwriting and signature. His custodial interrogation does not appear necessary. In the circumstances, he is entitled to bail under section 438 of the Cr.P.C. Hence I pass the following order:-

O R D E R

. In the event of applicant being arrested in

respect of C.R. no.101 of 2007 registered at Patan Police station, he shall be released on bail of Rs.50,000/- with two personal sureties of like amount subject to the following conditions:-

i) The applicant shall to go the police station within one week and offer to give his specimen signature and handwriting. The applicant shall also go to the police station as and when required for the investigation and co-operate with the investigation.

ii) The applicant shall not make any inducement or threats to the prosecution witneses.

iii) If the applicant wants to leave the State of Maharashtra, he shall give intimation thereof to the concerned police atleast three days in advance and give his mobile telephone number and address where he can be contacted.

(D.G.KARNIK, J)